

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): B. TOWNSEND, et al.

Serial No.: 10/814,155

Filed: April 1, 2004

For: PROSTHETIC FOOT WITH TUNABLE PERFORMANCE

Group: 3738

Examiner: Javier G. BLANCO

Conf. No.: 7370

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 3, 2007

Sir:

Petitioner, Bioquest Prosthetics LLC, a California limited liability company having a place of business at 4615 Sheppard Street, Bakersfield, California 93313 represent that it is the sole owner of the entire interest of U.S. Serial No. 10/814,155, for PROSTHETIC FOOT WITH TUNABLE PERFORMANCE.

Petitioner hereby disclaims all that portion of the term of any patent to be issued on the above-identified application subsequent to the expiration date of the full statutory term, defined in 35 U.S.C. 154 to 156 and 173, of U.S. Patent No. 7,108,723 issued September 19, 2006 and hereby agrees that any patent issued on the above-identified application shall be enforceable only for and during such time as the said U.S. Patent No. 7,108,723 and the above-identified application are commonly owned.

Petitioner, however, does not disclaim the terminal part of any patent granted

on the instant application prior to the expiration date of the full statutory term, defined in 35 U.S.C. 154 to 156 and 173, of the above-listed U.S. Patent No. 7,108,723 in the event that U.S. Patent No. 7,108,723 expires: for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to expiration of the above-referred-to full statutory term, except for the separation of legal title as stated above.

This disclaimer is to be binding with respect to any patent granted on the above-identified application, and is binding upon grantees, their successors, or assignees of any interests.

The undersigned is an attorney of record in this application and is empowered to act on behalf of Bioquest Prosthetics LLC for execution and submission of Terminal Disclaimer, in accordance with the provisions of 37 CFR 1.321(b) and (c), effective January 4, 1994.

The undersigned hereby declares that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine,

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

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